

Chapter 13 - "Wage Earner Plan"

A Chapter 13 case provides the opportunity to restructure debts through a payment plan which can last up to five years. The Chapter 13 Trustee receives all funds paid through the plan and pays creditors from these funds.

Chapter 13 Filing Requirements

An original and two copies of the following are required when filing a Chapter 13:

- Voluntary Petition
- Schedules A-J
- Declaration
- Statement of Financial Affairs
- Mailing Matrix
- Chapter 13 Plan (Local Form 4)

The minimum requirements to initiate a bankruptcy case are the first two pages of the petition, list of creditors, mailing matrix.

The Court will issue a Notice of Deficiency if the above listed schedules, statements, and plan are not received at the time of filing. The schedules, statement of financial affairs and Chapter 13 Plan are due 15 days from the date of filing.

Failure to comply with the filing requirements or missing deadlines may result in the case being dismissed and loss of bankruptcy protection, or other sanctions.

Debtors are required to attend a First Meeting of Creditors. The Chapter 13 Trustee's Office will notify the debtor and creditors of the date, time and place of the First Meeting of Creditors (341 Meeting).

Office Hours & Locations

All offices are open Monday-Friday and closed Saturday, Sunday and on Federal Holidays.

All offices are open 8:30 a.m. to 4:30 p.m.

Web Address:

www.ncwb.uscourts.gov

Charlotte Office

Site Address

401 West Trade Street
Charlotte, NC 28202

Mailing Address

P.O. Box 34189
Charlotte, NC 28234-4189

(704) 350-7500

Asheville Division

Closed for lunch 12:30 p.m. to 1:30 p.m.

100 Otis Street
Room 112
Asheville, NC 28801
(828) 771-7300



U.S. Bankruptcy Court Western District of North Carolina

Guidelines & Requirements to Assist *Pro Se* Debtors



Geraldine Treutelaar Crockett
Clerk of Court

The information contained in this brochure is intended to answer common questions from *Pro Se* debtors and is not to be interpreted as legal advice. This information is subject to change without notice.

Official Forms & Petition Preparation

The U.S. Bankruptcy Court Clerk's office does not supply the official forms required for filing bankruptcy. Forms may be purchased from a local office supply store. If someone other than an attorney assists with the preparation of the bankruptcy forms, the name of the preparer must be disclosed on the petition.

Legal Advice & Resources

The U.S. Bankruptcy Court Clerk's office and the Office of the Bankruptcy Administrator are not permitted to assist with the preparation of petition, schedules, or other documents, nor can they provide legal advice. The local library has law books that may be of assistance. The Local Bankruptcy Rules for the Western District of North Carolina are available in the Clerk's Office for review or at the Court's website at www.ncwb.uscourts.gov.

Bankruptcy can be complicated and the Court recommends that an attorney be retained. All parties must comply with the Bankruptcy Code, Rules and Court Procedures. Failure to do so will result in dismissal of the case, or other sanctions.

If a trustee is assigned, the trustee **cannot** give legal advice.

The telephone number for the North Carolina legal referral service is 1-800-662-7660.

Credit Ratings & Reports

The U.S. Bankruptcy Court Clerk's office is not responsible for credit reports.

Bankruptcy records are public records and the information in them can be retrieved by anyone. Any disputes with a credit agency must be resolved with that agency.

Retaining Records

It is advisable to keep copies of the petition, schedules, Order of Discharge and, if applicable, Order of Dismissal, and to keep copies of other pertinent documents.

Acceptable Forms of Payment

The U.S. Bankruptcy Court accepts cash, money orders, cashier's and traveler's checks only. Cash should always be in the exact amount due; the Clerk's office does not make change.

Filing Fees

The filing fee may be paid in installments. The number of installments shall not exceed four, and the final installment must be paid within 120 days of the filing of the petition. *An Application to Pay In Installments must be filed with the petition, and approved by the Court.* The application form is located on the Court's website.

The filing fees are increased periodically by the Administrative Office of the U.S. Courts. All current fees are listed at <http://www.ncwb.uscourts.gov/financial/financial.html>.

The filing fees to file a petition:

Chapter 7	\$200
Chapter 13	\$185
Chapter 11	\$830

Chapter 7 - "Liquidations"

A chapter 7 case is the liquidation or selling of non-exempt property, the proceeds of which are used to pay creditors.

Chapter 7 Filing Requirements

An original and two copies of the following are required when filing a Chapter 7:

- Voluntary Petition
- Schedules A-J
- Declaration
- Mailing Matrix
- Statement of Intention
- Statement of Financial Affairs

The minimum requirements to initiate a bankruptcy case are the first two pages of the petition, list of creditors, mailing matrix.

The Court will issue a Notice of Deficiency if the above listed schedules and statement are not received at the time of filing. The schedules and statement of financial affairs are due 15 days from the date of filing.

Failure to comply with the filing requirements or missing deadlines may result in the case being dismissed and loss of bankruptcy protection, or other sanctions.

Debtor's are required to attend a First Meeting of Creditors. The U.S. Bankruptcy Court Clerk's Office will notify the debtor and creditors of the date, time and place of the First Meeting of Creditors (341 Meeting).